

REMARKS

Applicant wishes to thank the Examiner for the allowance of claims 1-4 and 6-11.

Claims 1-4 and 6-15 are pending. Claims 1-4 and 6-11 are allowed. Claims 12-15 are rejected.

Claim 12 was rejected under 35 U.S.C. 112, second paragraph. Claim 12 has been appropriately amended. Applicant respectfully requests the withdrawal of the rejection to claim 12.

Claims 13-15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,504,933 to Saito. Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Saito describes a system for providing a viewer with "pay-per-view" programming. Upon receipt of a request for a program from a viewer, a charging center sends decoding data to a data communication device to enable the program to be viewed.

Applicants' invention, as recited in claim 13 (as amended), includes a feature which is neither disclosed nor suggested by Saito, namely:

...charging the subscriber one of a plurality of amounts depending upon whether the transmitted information is intended for recording the information...[emphasis added]

This feature is described in Applicants' specification, for example, at page 6, lines 16-22.

According to claim 13, the subscriber is charged different amounts for the information dependent on whether the information is intended for recording.

This is different than Saito, which charges the subscriber a fee independent of whether the subscriber views the program on the television set and/or records the program on a recording device (such as a VCR). Saito neither discloses nor suggests that the subscriber (viewer) be charged a different amount if the subscriber intends to record the information or program. It is because Applicant has included the feature of charging the subscriber depending on whether the information is intended for recording that Applicant distinguishes over Saito. Therefore, Saito does not describe the invention of claim 13.

For the reasons set forth above, claim 13 is neither disclosed nor suggested by Saito, thus, claim 13 is not subject to rejection under 35 U.S.C. 102(e) as being anticipated by Saito.

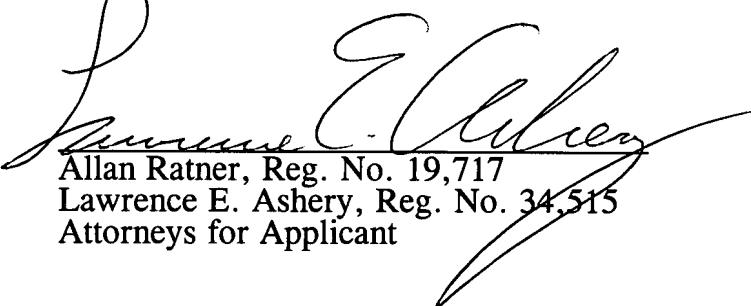
Although not identical, claim 14 recites features similar to those of claim 13, therefore, for the reasons set forth above with respect to claim 13, claim 14 is not subject to rejection under 35 U.S.C. 102(e) as being anticipated by Saito.

Claim 15 is dependent upon claim 14, therefore, claim 14 is not subject to rejection for the reasons set forth above with respect to claim 14.

Claims 16 and 17 have been added. Support for these claims may be found in Applicants' specification, at page 8, lines 9-17 and therefore does not constitute new matter. Claims 16 and 17 describe that the request for information indicates to the charging means that the subscriber will record the requested information. This is a further novel feature of Applicant's invention. There is nothing in the prior art which describes or suggests a means by which a subscriber is charged based on an information request indicating that the subscriber is or will record the information.

Applicants submit that in view of the amendments and remarks set forth above, this application is now in condition for allowance which action is respectfully requested.

Respectfully Submitted,


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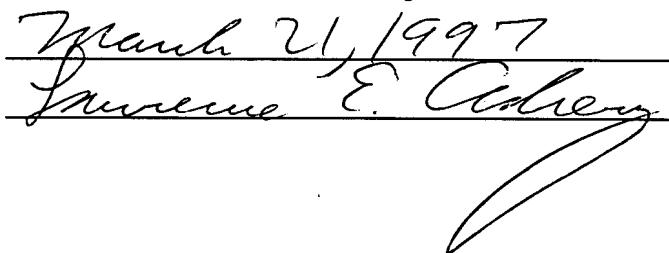
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March 21, 1997
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